

BILL NO. 94-15  
AS AMENDED

COUNTY COUNCIL  
OF  
HARFORD COUNTY, MARYLAND

BILL NO. 94-15 (as amended)

Introduced by Council President Wilson at the request of the County Executive  
Legislative Day No. 94-7 Date March 1, 1994

AN ACT to repeal and re-enact, with amendments, Section 267-34, AG Agricultural District, of Article VI, District Regulations, of Part 1, Standards, of Chapter 267, Zoning, of the Harford County Code, as amended, to provide for and maintain the rural character of properties in the agricultural district.

By the Council, March 1, 1994

Introduced, read first time, ordered posted and public hearing scheduled

on: April 5, 1994

at: 6:00 p.m.

By Order: James D. Vannoy, Acting Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on April 5, 1994, and concluded on, April 5, 1994

James D. Vannoy, Acting Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

BILL NO. 94-15  
AS AMENDED

Section 1. Be It Enacted By The County Council of Harford County, Maryland, that Section 267-34, AG Agricultural District of Article VI, District Regulations, of Part 1, Standards, of Chapter 267, Zoning, of the Harford County Code, as amended, be and is hereby repealed and re-enacted, with amendments, all to read as follows:

Chapter 267. Zoning

Part 1. Standards

Article VI. District Regulations

§ 267-34. AG Agricultural District.

A. [Purpose. This district supports agriculture as the primary use by providing large areas suitable for agriculture and related uses. Low-density residential development is also permitted.]

THE PURPOSE OF THIS DISTRICT IS TO PROVIDE FOR CONTINUED FARMING ACTIVITIES, CONSERVE AGRICULTURAL LAND AND REAFFIRM AGRICULTURAL USES, ACTIVITIES AND OPERATIONS WITHIN THE AGRICULTURAL ZONED AREAS. IT IS THE FURTHER PURPOSE OF THIS DISTRICT TO MAINTAIN AND PROMOTE THE RURAL CHARACTER OF THIS LAND AS WELL AS PROMOTE THE CONTINUANCE AND VIABILITY OF THE FARMING AND AGRICULTURAL USES. LOW DENSITY RESIDENTIAL DEVELOPMENT IS ALSO PERMITTED.

B. AGRICULTURAL USE. AN AGRICULTURAL OPERATION, FACILITY OR ANY OF ITS APPURTENANCES RECEIVING AN AG OR RA ASSESSMENT, SHALL NOT BE CONSIDERED A NUISANCE, EITHER PUBLIC OR PRIVATE AS A RESULT OF CHANGED LAND USES IN OR AROUND THE LOCALITY OF SUCH AN AGRICULTURAL OPERATION, OR FACILITY. THE OPERATION OF MACHINERY, WHEN USED FOR AGRICULTURAL PURPOSES, SHALL BE PERMITTED AT ANY TIME. FURTHERMORE, ANY CHANGES IN SAID OPERATION ~~USING APPROVED AGRICULTURAL PRACTICES~~ AND IN CONFORMITY WITH INDUSTRY ACCEPTED HORTICULTURAL, AGRONOMIC, ANIMAL HUSBANDRY, AQUACULTURAL AND

OTHER AGRICULTURAL STANDARDS DOES NOT CONSTITUTE A NUISANCE.

[B]C. General regulations. Minimum lot area, area per dwelling or family unit, building setback from adjacent residential lot lines, lot width, front, side and rear yard and maximum building height, as displayed in Table II, shall apply, subject to other requirements of this Part 1.

[C]D. Specific regulations. The following uses are permitted, subject to the additional requirements below:

- (1) Agriculture, provided that all buildings associated with this use, including farmhouses, barns and silos, meet the required minimum setbacks for principal uses. [The operation of machinery, when used for agricultural activities, shall be permitted at any time.] Buildings in which animals are housed or kept shall comply with the following setbacks from adjacent residential lots:

	Setback From Adjacent
Number of	Residential Lot
Animal Units	(feet)
1 to 2	50
3 to 10	100
11 or more	200

- (2) Residential development, on parcels as described in the land records of February 8, 1977, as provided below:

- (a) One (1) lot shall be permitted on any parcel of land that is less than eleven (11) acres.
- (b) Two (2) lots shall be permitted on any parcel of land that is from eleven (11) to nineteen and ninety-nine hundredths (19.99) acres.
- (c) An additional lot shall be permitted for each additional ten (10) acres in excess of twenty (20).
- (d) An additional lot shall be permitted for any member of the immediate family of persons who were individual owners of record (not corporate, partnership

1 or joint-venture owners) of the parcel. Immediate family shall be limited to  
2 fathers, mothers, brothers, sisters, sons and daughters.

3 (e) Any new lot created pursuant to Subsection [C]D(2)(a) through (d) above  
4 shall be a minimum of two (2) acres unless the lot is located in an  
5 Agricultural Preservation District established pursuant to § 2-501 et seq. of  
6 the Agriculture Article of the Annotated Code of Maryland, then the lot size  
7 shall be that as approved by the state. In the event that the primary parcel  
8 is removed from the district, the owner shall submit a revised subdivision  
9 plan, establishing a minimum lot size of two (2) acres. At such time, the  
10 owner or his successors in title shall prepare and record the necessary deeds  
11 for the two-acre conveyance and shall notify, in writing, the Department of  
12 Planning and Zoning of the conveyance.

13 (f) The development rights created herein may be transferred pursuant to  
14 Subsection [C]D(3) below.

15 (3) Development rights established in Subsection [C]D(2) may be transferred from one  
16 parcel to another parcel, either contiguous thereto or within five hundred (500) feet  
17 therefrom, within this district in accordance with the following:

18 (a) All development rights shall be transferable except one (1) right for each  
19 existing dwelling unit, provided that in no event shall less than one (1) right  
20 be retained with the parcel. The right to a family conveyance shall not be  
21 transferable.

22 (b) Contiguous parcels under common ownership may be considered one (1)  
23 parcel.

24 (c) Development rights shall only be transferred by agreement, deed, easement  
25 or other written instrument, which shall be recorded among the land records  
26 of the county. The document shall limit future development in accordance  
27 with these provisions.

- 1 Section 2. And Be It Further Enacted that this Act shall take effect sixty (60) calendar days from  
2 the date it becomes law.

EFFECTIVE: June 14, 1994

HARFORD COUNTY BILL NO. 94-15 (as amended)

(Brief Title) Right to Farm

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

**CERTIFIED TRUE AND CORRECT**

**ENROLLED**

James D. Vannoy  
Acting Secretary  
of the Council

[Signature]  
President of the Council

Date April 12, 1994

Date April 12, 1994

**BY THE COUNCIL**

Read the third time.

Passed: LSD 94-11 (April 12, 1994)

Failed of Passage: \_\_\_\_\_

By Order

James D. Vannoy  
Acting Secretary

Sealed with the County Seal and presented to the County Executive for approval this 13th day of April, 1994 at 3:00 p. m.

James D. Vannoy  
Acting Secretary

**BY THE EXECUTIVE**

Colleen M. Redmann  
COUNTY EXECUTIVE

APPROVED: Date April 15, 1994

**BY THE COUNCIL**

This Bill (No. 94-15, as amended), having been approved by the Executive and returned to the Council, becomes law on April 15, 1994.

James D. Vannoy  
Acting Secretary

EFFECTIVE DATE: June 14, 1994